

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1983

AN ACT

To repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to prohibiting elected officials from acting as paid political consultants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 105.450, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 105.450
3 and 105.453, to read as follows:

4 105.450. As used in sections 105.450 to 105.496 and
5 sections 105.955 to 105.963, unless the context clearly requires
6 otherwise, the following terms mean:

7 (1) "Adversary proceeding", any proceeding in which a
8 record of the proceedings may be kept and maintained as a public
9 record at the request of either party by a court reporter, notary
10 public or other person authorized to keep such record by law or
11 by any rule or regulation of the agency conducting the hearing;
12 or from which an appeal may be taken directly or indirectly, or
13 any proceeding from the decision of which any party must be
14 granted, on request, a hearing de novo; or any arbitration
15 proceeding; or a proceeding of a personnel review board of a
16 political subdivision; or an investigative proceeding initiated

1 by an official, department, division, or agency which pertains to
2 matters which, depending on the conclusion of the investigation,
3 could lead to a judicial or administrative proceeding being
4 initiated against the party by the official, department, division
5 or agency;

6 (2) "Business entity", a corporation, association, firm,
7 partnership, proprietorship, or business entity of any kind or
8 character;

9 (3) "Business with which a person is associated":

10 (a) Any sole proprietorship owned by himself or herself,
11 the person's spouse or any dependent child in the person's
12 custody;

13 (b) Any partnership or joint venture in which the person or
14 the person's spouse is a partner, other than as a limited partner
15 of a limited partnership, and any corporation or limited
16 partnership in which the person is an officer or director or of
17 which either the person or the person's spouse or dependent child
18 in the person's custody whether singularly or collectively owns
19 in excess of ten percent of the outstanding shares of any class
20 of stock or partnership units; or

21 (c) Any trust in which the person is a trustee or settlor
22 or in which the person or the person's spouse or dependent child
23 whether singularly or collectively is a beneficiary or holder of
24 a reversionary interest of ten percent or more of the corpus of
25 the trust;

26 (4) "Commission", the Missouri ethics commission
27 established in section 105.955;

28 (5) "Confidential information", all information whether

1 transmitted orally or in writing which is of such a nature that
2 it is not, at that time, a matter of public record or public
3 knowledge;

4 (6) "Decision-making public servant", an official,
5 appointee or employee of the offices or entities delineated in
6 paragraphs (a) through (h) of this subdivision who exercises
7 supervisory authority over the negotiation of contracts, or has
8 the legal authority to adopt or vote on the adoption of rules and
9 regulations with the force of law or exercises primary
10 supervisory responsibility over purchasing decisions. The
11 following officials or entities shall be responsible for
12 designating a decision-making public servant:

13 (a) The governing body of the political subdivision with a
14 general operating budget in excess of one million dollars;

15 (b) A department director;

16 (c) A judge vested with judicial power by article V of the
17 Constitution of the state of Missouri;

18 (d) Any commission empowered by interstate compact;

19 (e) A statewide elected official;

20 (f) The speaker of the house of representatives;

21 (g) The president pro tem of the senate;

22 (h) The president or chancellor of a state institution of
23 higher education;

24 (7) "Dependent child" or "dependent child in the person's
25 custody", all children, stepchildren, foster children and wards
26 under the age of eighteen residing in the person's household and
27 who receive in excess of fifty percent of their support from the
28 person;

1 (8) "Paid political consultant", a person who is paid to
2 promote the election of a certain candidate or committee, as
3 defined in section 130.011, including, but not limited to,
4 planning campaign strategies; coordinating campaign staff;
5 organizing meetings and public events to publicize the candidate
6 or cause; public opinion polling; providing research on issues or
7 opposition background; coordinating or purchasing print or
8 broadcast media; direct mail production; phone solicitation; fund
9 raising; and any other political activities;

10 (9) "Political subdivision" shall include any political
11 subdivision of the state, and any special district or
12 subdistrict;

13 [(9)] (10) "Public document", a state tax return or a
14 document or other record maintained for public inspection without
15 limitation on the right of access to it and a document filed in a
16 juvenile court proceeding;

17 [(10)] (11) "Substantial interest", ownership by the
18 individual, the individual's spouse, or the individual's
19 dependent children, whether singularly or collectively, directly
20 or indirectly, of ten percent or more of any business entity, or
21 of an interest having a value of ten thousand dollars or more, or
22 the receipt by an individual, the individual's spouse or the
23 individual's dependent children, whether singularly or
24 collectively, of a salary, gratuity, or other compensation or
25 remuneration of five thousand dollars, or more, per year from any
26 individual, partnership, organization, or association within any
27 calendar year;

28 [(11)] (12) "Substantial personal or private interest in

1 any measure, bill, order or ordinance", any interest in a
2 measure, bill, order or ordinance which results from a
3 substantial interest in a business entity.

4 105.453. 1. No statewide elected official or member of the
5 general assembly shall accept or receive compensation of any kind
6 as a paid political consultant for:

7 (1) A candidate for the office of governor, lieutenant
8 governor, attorney general, secretary of state, state treasurer,
9 state auditor, state senator, or state representative;

10 (2) The candidate committee of the governor, lieutenant
11 governor, attorney general, secretary of state, state treasurer,
12 state auditor, state senator, or state representative or any
13 candidate for such offices;

14 (3) The governor, lieutenant governor, attorney general,
15 secretary of state, state treasurer, state auditor, any state
16 senator, or any state representative;

17 (4) Any continuing committee; or

18 (5) Any campaign committee.

19 2. For purposes of this section, the terms "candidate",
20 "candidate committee", "campaign committee", and "continuing
21 committee" shall have the same meaning as in section 130.011.